

The Honorable Thomas S. Zilly

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARLENA ROSS, on behalf of herself
and others similarly situated,

Plaintiff,

vs.

PACIFIC MARITIME ASSOCIATION
("PMA"); JOINT PORT LABOR
RELATIONS COMMITTEE ("JPLRC");
SSA TERMINALS, LLC,

Defendants.

INTERNATIONAL LONGSHORE AND
WAREHOUSE UNION (ILWU) LOCAL
19,

Intervenor-Defendant.

No. 2:19-cv-01676-TSZ

PACIFIC MARITIME ASSOCIATION'S
MOTION FOR LCR 7(e) ORDER AND
STIPULATION OF THE PARTIES AND
ORDER

MOTION AND CONTEXT

In a Minute Order dated 2/24/2020 (dkt. 37), the Court recognized that PMA's status as a "joint employer" for purposes of the FLSA "nursing mother" provisions is a question of law, but concluded that "on this record," PMA's status as a joint employer with SSA could not be determined.

1 Since then, the Department of Labor has issued regulations (effective March 16, 2020) for
 2 determining joint employer status under the FLSA. 29 C.F.R. § 791.2.

3 With this development, the JPLRC, PMA, and Local 19 wish to present this discrete issue
 4 to the Court with the benefit of a more developed record. PMA has prepared a Renewed Motion
 5 on this discrete subject, and also a multi-faceted motion for summary judgment on other aspects
 6 of this case. Local 19 has also prepared a separate motion on the legal status of the JPLRC and
 7 whether the JPRLC is a joint employer with SSA under the FLSA. Plaintiff disagrees on the merits
 8 and that the issue should be revisited, but agrees with the issue being presented via separate motion.

9 Aware that LCR 7(e) requires approval from the Court to file contemporaneous dispositive
 10 motions, and this would seem to apply to presenting both a motion for summary judgment on other
 11 topics and a motion (including PMA's renewed motion) on this discrete subject, PMA and Local
 12 19 ask for leave of the Court to bring the foregoing motions contemporaneously, and to that end
 13 the parties stipulate as follows:

14 STIPULATION

15 Without prejudicing any party's position as to the merits, or whether the Court should
 16 disturb its earlier ruling, the parties do nevertheless stipulate that the proposed Order attached
 17 hereto should be entered to allow both motions to be filed contemporaneously.

18 DATED this 28th day of April, 2020.

19
 20 For Plaintiff Marlena Ross:

21 By: s/Cynthia J. Heidelberg
 22 Cynthia J. Heidelberg, WSBA No. 44121
 23 BRESKIN JOHNSON & TOWNSEND,
 24 PLLC
 25 1000 Second Ave Ste 3670
 26 Seattle, WA 98104
 Tel: 206-652-8660
 Email: cheidelberg@bjtlegal.com

For Defendant Pacific Maritime Association:

By: s/Clemens H. Barnes
 Clemens H. Barnes, WSBA No. 4905
 MILLER NASH GRAHAM & DUNN LLP
 Pier 70, 2801 Alaskan Way Ste 300
 Seattle, WA 98121
 Tel: 206-624-8300
 Email: clem.barnes@millernash.com

For Defendant SSA Terminals, LLC:

By: s/Richard P. Lentini

Richard P. Lentini, WSBA No. 18086
MILLER NASH GRAHAM & DUNN LLP
Pier 70, 2801 Alaskan Way Ste 300
Seattle, WA 98121
Tel: 206-624-8300
Email: richard.lentini@millernash.com

For Defendant-Intervenor ILWU Local 19:

By: s/Robert H. Lavitt

Robert H. Lavitt, WSBA No. 27758
Melissa J. Greenberg, WSBA No. 54132
Carson Phillips-Spotts, WSBA No. 51207
BARNARD IGLITZIN & LAVITT LLP
18 W Mercer St Ste 400
Seattle, WA 98119-3971
Tel: 206-285-2828
Email: lavitt@workerlaw.com

For the Joint Port Labor Relations
Committee:

By: s/Clemens H. Barnes

Clemens H. Barnes, WSBA No. 4905
MILLER NASH GRAHAM & DUNN LLP
Pier 70, 2801 Alaskan Way Ste 300
Seattle, WA 98121
Tel: 206-624-8300
Email: clem.barnes@millernash.com

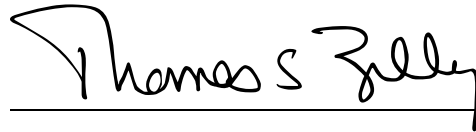
By: s/Robert H. Lavitt

Robert H. Lavitt, WSBA No. 27758
Melissa J. Greenberg, WSBA No. 54132
Carson Phillips-Spotts, WSBA No. 51207
BARNARD IGLITZIN & LAVITT LLP
18 W Mercer St Ste 400
Seattle, WA 98119-3971
Tel: 206-285-2828
Email: lavitt@workerlaw.com

ORDER

The parties' stipulated motion, docket no. 42, to contemporaneously file both a separate motion addressing "joint employer" status for FLSA purposes and a dispositive motion addressing other claims and issues is GRANTED. PMA, JPLRC, and Local 19 may file their respective motions contemporaneously.

DATED this 4th day of May, 2020.



Thomas S. Zilly
United States District Judge